

REMARKS

In an Office Action mailed on November 2, 2006, the Examiner maintained the § 103(a) rejections of claims 39-50.

Applicant submits that the Examiner has not established a *prima facie* case of obviousness for any of the claims for at least the following reasons. A *prima facie* case of obviousness requires that the hypothetical combination of references teaches or suggests all claim limitations; and a *prima facie* case of obviousness requires the Examiner to show the existence of a sufficient suggestion or motivation in the prior art to combine the references for purposes of deriving the claimed invention. M.P.E.P. § 2143. In other words, the Examiner must show that one skilled in the art, *without knowledge of the claimed invention*, would have derived the claimed invention in view of the cited art (*emphasis added*). However, the Examiner has not made this showing and thus, has not established a *prima facie* case of obviousness.

More specifically, in the latest Office Action, the Examiner concedes that Claus fails to disclose 1.) notifying a user of a second computer system of a first computer system's request for the second computer system to identify itself; and 2.) prompting the user to allow or deny the request. Office Action, 4. The Examiner apparently relies on Glasser for these missing claim limitations. *Id.*, 4.

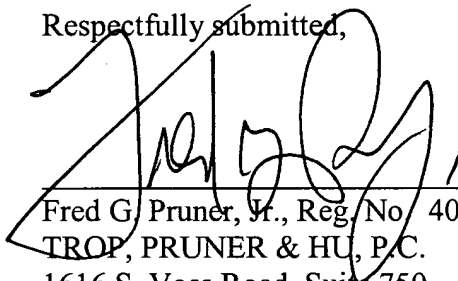
However, the Office Action fails to set forth where Glasser supposedly teaches or suggests the missing claim limitations. In this regard, the Examiner states that Glasser is used merely for purposes of disclosing a "generic request." Office Action, 3. Thus, on its face, the Office Action fails to show where the prior art teaches or suggests all claim limitations. In other words, although Glasser's access permissions are generally associated with security, in that a user on Glasser's computer system may use the computer system for purposes of manipulating access permissions, there is no teaching or suggestion in Glasser regarding notifying a user of a second computer system of a first computer system's request for the second computer system to identify itself; and likewise, Glasser fails to teach or suggest prompting a user to allow the user to allow or deny the request. Claus fails to teach or suggest the missing claim limitations. Thus, for at least the reason that the hypothetical combination of Glasser and Claus fails to teach or suggest all claim limitations, a *prima facie* case of obviousness has not been set forth for any of the claims.

A *prima facie* case of obviousness has not been set forth for any of the claims for at least the additional, independent reason that a sufficient suggestion or motivation has not been set forth in the Office Action. In other words, the Examiner has not made a showing why one skilled in the art, *without knowledge of the claimed invention*, would have modified Claus' system so that a user of the smart card is prompted with a request whether to allow identification of the smart card. In other words, the Examiner fails to show why this feature would even be necessary, as the very purpose of the smart card is for identification and therefore, consent for identification is implied. Furthermore, the Office Action fails to show the purported suggestion or motivation to modify either one of the references to incorporate the prompting or notifying features, which are not present in either reference, as described above.

Therefore, in view of the foregoing, Applicant respectfully requests reconsideration of the § 103 rejections of claims 39-50 and a favorable action in the form of a Notice of Allowance. The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0160US).

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Respectfully submitted,



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